

**Final Disposition of Bills.**  
**SUPPLEMENT.**

Number of bill or resolution	Date Filed	Vote	
		House	Senate
S. C. R. No. 25.....	May 2, 1933 ..... 4:45 p. m.	Adopted	Adopted
S. C. R. No. 28.....	May 2, 1933 ..... 4:45 p. m.	Adopted	Adopted
S. C. R. No. 38.....	May 2, 1933 ..... 4:45 p. m.	Adopted	Adopted
S. B. No. 314.....	May 2, 1933..... 4:45 p. m.	Yeas 100 Nays 0 2 present not voting	Yeas 28 Nays 0
H. B. No. 408.....	May 2, 1933 ..... 4:45 p. m.	Yeas 107 Nays 0	Yeas 28 Nays 0
H. B. No. 882.....	May 2, 1933 ..... 4:45 p. m.	Yeas 112 Nays 0	Yeas 29 Nays 0
H. B. No. 884.....	May 2, 1933 ..... 4:45 p. m.	Yeas 111 Nays 0	Yeas 28 Nays 0
H. B. No. 914.....	May 2, 1933..... 9:52 a. m.	Yeas 107 Nays 0	Yeas 23 Nays 8

W. W. HEATH, Secretary of State.

**SEVENTIETH DAY.**

Senate Chamber,  
Austin, Texas,  
May 4, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Greer. Purl.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By unanimous consent the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Fellbaum:

S. B. No. 548, A bill to be entitled "An Act to amend House Bill No. 842, Chapter 352, of the Regular Session of the Forty-second Legislature, approved May 20th, 1931, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Patton:

S. B. No. 549, A bill to be entitled "An Act to amend Article 666 of the Revised Civil Statutes, 1925, by adding another section thereto providing for the sale of personal property belonging to the State of Texas, and which is in the possession of the State Highway Department, when the same shall become unfit for use or is no longer needed wherever the same may be situated; etc., and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

#### Senators Excused.

The following Senators were excused for the day, on motion of Senator Poage:

Senator Greer, important business.

Senator Purl, illness.

#### Resolution From Oklahoma Legislature.

On motion of Senator Small, the following resolution from the Oklahoma Legislature was ordered printed in the Journal:

State of Oklahoma,  
Department of State

R. A. SNEED, Secretary of State.  
To all to whom these presents shall come, greeting:

I, R. A. Sneed, Secretary of State, of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of

Enrolled

House Concurrent  
Resolution No. 22.

By Cox, Williams, Wright, Allen and Wilmont of the House, and Rizley and Taylor of the Senate.

A concurrent resolution authorizing the appointment of members of the House of Representatives and Senate of the State of Oklahoma to represent the State of Oklahoma in an effort to secure a compact between the States of Texas and Oklahoma settling the controversy as to the true location of the boundary between said States in the disputed area which has

been the subject of litigation in the Supreme Court of the United States; authorizing the payment of necessary expenses out of funds already appropriated to pay expenses of the Fourteenth Legislature to defray the expenses incident to negotiating for said settlement between said States; providing that certified copies of this resolution be furnished the Governor and presiding officers of the State Legislature of Texas.

the original of which is now on file and a matter of record in this office.

In testimony whereof, I hereto set my hand and cause to be affixed the Great Seal of State.

(Seal.)

Done at the City of Oklahoma City, this second day of May, A. D. 1933.

R. A. SNEED,

Secretary of State.

UNA LEE ROBERTS,

Assistant Secretary of State.

A Concurrent Resolution authorizing the appointment of members of the House of Representatives and Senate of the State of Oklahoma to represent the State of Oklahoma in an effort to secure a compact between the States of Texas and Oklahoma settling the controversy as to the true location of the boundary between said States in the disputed area which has been the subject of litigation in the Supreme Court of the United States; authorizing the payment of necessary expenses out of funds already appropriated to pay expenses of the Fourteenth Legislature to defray the expenses incident to negotiating for said settlement between said States; providing that certified copies of this resolution be furnished the Governor and presiding officers of the State Legislature of Texas.

Whereas, The northern boundary line of the Panhandle of Texas, and the southern boundary line of the Panhandle of Oklahoma are in dispute, which results in constant confusion due to the fact that the States of Oklahoma and Texas are each asserting jurisdiction and attempting to exercise sovereignty over the disputed strip, which makes it impossible for the property owners to pay taxes in either State and jeopardize

the title to both real and personal property, and brings about interminable confusion in the enforcement and administration of the laws; and

Whereas, There are various other disputes between the State of Texas and the State of Oklahoma as to the true boundary line between said States, which disputes have been pending for many years without adjustment and results in loss of revenue to each State through taxation and jeopardizes the title to property situated in the vicinity of said disputed area; and

Whereas, All disputed questions of boundary should be settled by compact between the States with the ratification of the Congress of the United States and thereby save the useless and unnecessary expense and labor incident to adjusting and determining the true boundary lines by litigation instituted in the Supreme Court of the United States; and

Whereas, The State Legislature of the State of Texas on the 17th day of February, 1933, passed a resolution similar to this resolution, carrying the same appropriation and calling for the same number of members of a committee to work out the above disputed question of boundary; now, therefore, be it

Resolved, by the House of Representatives the Senate concurring therein, That a committee consisting of four members of the House of Representatives, to be selected by the Speaker, and two members of the Senate, to be selected by the Lieutenant Governor, be appointed to represent the State of Oklahoma, in bringing about the execution of a compact between the two States to settle the controversy as to the true location of the boundary line between the States of Oklahoma and Texas in this disputed area; that such boundary line be by compact definitely established; that such compact between the States be submitted to the Fourteenth Legislature of the State of Oklahoma for ratification, and that said committee use its good offices to bring about the submission of such compact to the Legislature of Texas and to the Congress of the United States for approval and ratification; and be it further

Resolved, That the necessary expense incident to the execution of

the compact not to exceed five hundred (\$500.00) dollars, and such other expenses as may be necessary for surveying and determining the true boundary line if necessary, be paid as follows:

One-half of said expense to be paid out of funds appropriated by the Fourteenth Legislature for the expense of operating the House of Representatives, and one-half of said expense to be paid out of funds appropriated by the Fourteenth Legislature for the expense of operating the Senate, on vouchers signed by the members of the committee from the respective houses; and be it further

Resolved, That a certified copy of this resolution be immediately furnished to the Governor of the State of Texas and to the presiding officers of the Senate and the House of Representatives of Texas, and that they be notified that the presiding officers of the House of Representatives and the Senate of the State of Oklahoma have selected a committee to negotiate with a similar committee appointed by the presiding officers of the Senate and House of Representatives of the State of Texas, to negotiate a compact between the two states as soon as possible to the end that these matters may be settled, adjusted and confirmed during the present sessions of the Legislature of the States of Texas and Oklahoma.

Adopted by the House of Representatives the 8th day of March, 1933.

Adopted by the Senate the 21st day of April, 1933.

JULIUS W. COX,

Acting Speaker of the House of Representatives.

ROBERT BURNS,

President of the Senate.

Approved the \_\_\_\_\_ day of \_\_\_\_\_, 1933, by the Governor of the State of Oklahoma.

Correctly enrolled.

JULIUS W. COX,

Acting Chairman, Committee on Enrolled and Engrossed Bills.

Reasons for Vote on S. J. R. No. 30.

I am voting to submit to the people for their decision whether or not by S. J. R. No. 30 they desire to issue twenty million dollars in bonds, the money to be used toward the aid

of the unemployed. This is a vital issue at this time and should be decided by the people.

I am persuaded to believe that unless we do submit this amendment, we are likely to be cut off of any Federal relief at the present, and in voting to submit this resolution I am in hopes the Federal government will continue to give relief to the people of Texas. I am afraid that if we do not submit it to the people, we will be cut off from Federal aid and our unemployed situation become more alarming. Therefore, I believe it best to submit it to the people—hence my vote.

WOODWARD.

### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 195.	H. B. No. 19.
S. B. No. 300.	H. B. No. 28.
S. B. No. 312.	H. B. No. 827.
S. B. No. 331.	H. B. No. 845.
S. B. No. 483.	H. C. R. No. 38.

### Senate Bill No. 329.

The Chair laid before the Senate as pending business the following bill:

By Senator Holbrook:

S. B. No. 329, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State of Texas and authorizing payment of said miscellaneous claims on taking effect of this Act; and declaring an emergency."

The question recurred upon the pending amendment by Senator Parr.

Senator Woodruff sent up the following substitute for the amendment:

Amend committee substitute to S. B. No. 329 by striking out all of Section 2 and substituting in lieu thereof the following:

"Sec. 2. Provided the Comptroller of the State of Texas is hereby authorized to issue warrants on the State Treasury in favor of each of the persons, firms or corporations in the amount or amounts hereinbefore set out opposite their respective names, upon application therefor, signed by the person, firm or corpo-

ration, entitled to receive same, or by some person showing himself to be duly and lawfully authorized to sign such application, provided, however, that before such warrant or warrants can be issued the State Auditor shall have furnished to the Comptroller a certificate certifying that any such claim for the payment of which application is made has been by him examined and found to be true and correct, and that there are, within his knowledge, no claims of the State as offsets to said claim. The claims herein appropriated for are payable and shall be paid out of any unexpended balance of the respective fund or funds which may heretofore have been created or out of which said claim may heretofore been payable."

WOODRUFF.

Read and adopted.

The amendment as substituted was adopted.

Senator Redditt sent up the following amendment:

Amend S. B. No. 329 by adding at the end of Section 1 the following:

"To pay H. E. Pryor of Rusk, Texas, for duly authorized and legally issued and approved witness fees, three hundred twenty-five and 34/100 (\$325.34) Dollars; and amend total to conform. The legality of this claim to be approved by the Attorney General as a condition precedent to payment."

REDDITT.

The amendment was read.

Senator Poage sent up the following amendment to the amendment:

Amend Redditt amendment by adding the following:

"Provided further that the Attorney General shall reject said claim if in his opinion this claim is barred by the statutes of this State."

POAGE.

Read and lost by the following vote:

Yeas—8.

DeBerry.	Oneal.
Holbrook.	Poage.
Hornsby.	Small.
Moore.	Woodruff.

## Nays—14.

Blackert.	Rawlings.
Collie.	Redditt.
Fellbaum.	Russek.
Martin.	Sanderford.
Neal.	Stone.
Pace.	Woodul.
Patton.	Woodward.

## Absent.

Beck.	Hopkins.
Cousins.	Regan.
Duggan.	

## Absent—Excused.

Greer.	Purl.
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## (Pair Recorded.)

Senator Murphy (present) who would vote yea, with Senator Parr (absent) who would vote nay.

The amendment (by Senator Redditt) was adopted by the following vote:

## Yeas—15.

Blackert.	Rawlings.
Collie.	Redditt.
Fellbaum.	Regan.
Hopkins.	Russek.
Martin.	Sanderford.
Neal.	Stone.
Pace.	Woodul.
Patton.	

## Nays—9.

DeBerry.	Poage.
Holbrook.	Small.
Hornsby.	Woodruff.
Moore.	Woodward.
Oneal.	

## Absent.

Beck.	Duggan.
Cousins.	

## Absent—Excused.

Greer.	Purl.
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## (Pair Recorded.)

Senator Murphy (present) who would vote nay, with Senator Parr (absent) who would vote yea.

Senator Martin sent up the following amendment:

Amend substitute amendment by Woodruff, by adding at the end the following:

"or out of general revenue, provided said fund has been theretofore transferred to said general revenue, or that there is no unexpended balance in said respective fund."

MARTIN.

Read and adopted.

Senator Moore moved to reconsider the vote by which the amendment by Senator Fellbaum (relative to Mrs. S. S. Heard) was tabled yesterday.

Senator Woodruff moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

## Yeas—16.

Beck.	Murphy.
Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Patton.
Duggan.	Poage.
Holbrook.	Small.
Hornsby.	Woodruff.
Martin.	Woodward.

## Nays—9.

Fellbaum.	Regan.
Moore.	Russek.
Neal.	Sanderford.
Parr.	Woodul.
Rawlings.	

## Absent.

Cousins.	Redditt.
Hopkins.	Stone.

## Absent—Excused.

Greer.	Purl.
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Senator Rawlings moved to reconsider the vote by which his amendment relative to T. C. McClure was lost yesterday.

On motion of Senator Woodruff the previous question was ordered on the motion and the further consideration of the bill.

The motion prevailed by the following vote:

## Yeas—14.

Blackert.	Parr.
Collie.	Patton.
Fellbaum.	Rawlings.
Hornsby.	Regan.
Moore.	Russek.
Neal.	Small.
Pace.	Woodul.

## Nays—11.

Beck.	Oneal.
DeBerry.	Poage.
Duggan.	Sanderford.
Holbrook.	Woodruff.
Martin.	Woodward.
Murphy.	

## Absent.

Cousins.	Redditt.
Hopkins.	Stone.

## Absent—Excused.

Greer.	Purl.
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The amendment was adopted by the following vote:

## Yeas—15.

Blackert.	Parr.
Collie.	Patton.
Duggan.	Rawlings.
Fellbaum.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Woodul.
Pace.	

## Nays—9.

Beck.	Oneal.
DeBerry.	Poage.
Holbrook.	Woodruff.
Martin.	Woodward.
Murphy.	

## Absent.

Cousins.	Regan.
Hopkins.	Stone.
Redditt.	

## Absent—Excused.

Greer.	Purl.
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The bill was passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 329 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Fellbaum.
Blackert.	Holbrook.
Collie.	Hornsby.
Cousins.	Martin.
DeBerry.	Moore.
Duggan.	Murphy.

Neal.
Oneal.
Pace.
Parr.
Patton.
Poage.
Rawlings.
Redditt.

Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.
Woodward.

## Absent.

Hopkins.

## Absent—Excused.

Greer.

Purl.

Read third time and finally passed by the following vote:

## Yeas—23.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Nays—5.

Beck.	Poage.
DeBerry.	Sanderford.
Hornsby.	

## Absent.

Hopkins.

## Absent—Excused.

Greer.

Purl.

## Recess.

On motion of Senator Holbrook the Senate, at 12:01 o'clock p. m., recessed until 2 o'clock p. m.

## After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

## H. C. R. No. 59.

The Chair laid before the Senate: H. C. R. No. 59, Granting Albert Moore permission to sue the State. The committee report recommend-

ing that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

#### H. C. R. No. 72.

The Chair laid before the Senate: H. C. R. No. 72, Requesting Highway Department to take over and operate the Galveston-Bolivar ferry.

The resolution was read.

Senator Poage sent up the following amendment:

Amend H. C. R. No. 72 by adding thereto the following:

Provided, however, no money shall be expended on such ferry by the Highway Department until all bridges and drainage structures on all existing designated highways of the State have been constructed of permanent material and design.

POAGE.

The amendment was read.

On motion of Senator Holbrook, the resolution was laid on the table subject to call.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, May 4, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 11, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

VAN ZANDT,  
ANDERSON of Johnson,  
HARRIS,  
ROBERTS,  
HESTER.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 71.

The Chair laid before the Senate: H. C. R. No. 71, Granting John Minica permission to sue the State.

The committee amendment was read and adopted.

The resolution as amended was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

#### H. C. R. No. 69a.

The Chair laid before the Senate: H. C. R. No. 69a, Granting Martin Brothers permission to sue the State. Read and adopted.

Senator DeBerry asked to be recorded as voting "No."

#### H. C. R. No. 7.

The Chair laid before the Senate: H. C. R. No. 7, Granting W. T. Starr permission to sue the State. The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

#### H. C. R. No. 60.

The Chair laid before the Senate: H. C. R. No. 60, Granting W. C. Moore permission to sue the State. The committee amendment was adopted.

The resolution was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

#### H. C. R. No. 49.

The Chair laid before the Senate: H. C. R. No. 49, Granting Dick Isbell permission to sue the State. The committee amendment was adopted.

The resolution was read and adopted.

Senator DeBerry asked to be recorded as voting "No."

#### H. C. R. No. 18.

The Chair laid before the Senate: H. C. R. No. 18, Relative to the De Zavala cemetery.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was read and adopted.

#### House Bill No. 153:

The Chair laid before the Senate on its third reading the following bill:

By Mr. Reed of Dallas, Mr. Savage and Mr. Kyle of Palo Pinto:

H. B. No. 153, A bill to be entitled "An Act amending Article 4442, Revised Statutes, 1925, of the State of Texas, by adding to said Article Section No. 5, so as to provide that when a keeper, manager, or owner of an institution defined in said article shall operate same without a license or sell or traffic in babies or permit the use of said institution for purposes other than provided in their license, etc., and declaring an emergency."

Read third time.

On motion of Senator Purl, the bill was laid on the table subject to call.

#### House Bill No. 394.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Rollins, Mr. Adamson, Mr. Lotief, Mr. Moffett, Mr. Alexander, Mr. Chastain, and Mr. Kayton:

H. B. No. 394, A bill to be entitled "An Act to amend Sections 4 and 5, of Chapter 88, of the General Laws of the Forty-first Legislature, Second Called Session, page 172, said sections appearing on page 175 of said Acts, and declaring an emergency."

Read second time.

On motion of Senator Rawlings, the bill was laid on the table subject to call.

#### House Bill No. 294.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Sullivant, Mr. Van Zandt, Mr. Wood, and Mr. McKee:

H. B. No. 294, A bill to be entitled "An Act to amend Article 2029, Chapter 3, of the Revised Civil Statutes of 1925 (relating to service of citation on officers or agents of associations, etc., in suits against such associations, corporations, etc.), and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Murphy the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 294 was

put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

#### House Bill No. 62.

The Chair laid before the Senate on its second reading the following bill:

By Mrs. Hughes:

H. B. No. 62, A bill to be entitled "An Act to amend Article 1778, of Chapter 6, of Title 37, and Article 1871, of Chapter 5, of Title 39, of the Revised Civil Statutes of 1925, relating to the time for returning executions for costs issued from the Supreme Court and Courts of Civil Appeals; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodward



the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 62 was put on its third reading and final passage by the following vote:

## Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## House Bill No. 109.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Holland:

H. B. No. 109, A bill to be entitled "An Act amending Article 6881 of Title 120, Chapter 5, of the Revised Civil Statutes of the State of Texas, 1925, correcting the laws applying to bonds executed by constables, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to

be read on three several days was suspended and H. B. No. 109 was put on its third reading and final passage by the following vote:

## Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed.

## House Bill No. 762.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Shannon, Mr. Patterson, and Mr. Renfro:

H. B. No. 762, A bill to be entitled "An Act to amend Article 2525, of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas, of 1925, as amended by Chapter 57, of the Acts of the First Called Session of the Fortieth Legislature, by adding thereto appropriate provisions for periodical inquiries by the State Depository Board as to the rate of interest to be paid by State depositories and reserve depositories, conferring power on said Board to adjust such rate of interest from time to time and providing that any State depository or reserve depository, considering itself to be aggrieved by such action of the Board, shall have the right to cancel its contract, as provided by Article 2537, of the Revised Civil Statutes, etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 762 was put on its third reading and final passage by the following vote:

## Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—26.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

## Nays—4.

Beck.	Martin.
Collie.	Sanderford.

## Present—Not Voting.

DeBerry.

## House Bill No. 429.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tarwater and Mr. Hill of Brazoria:

H. B. No. 429, A bill to be entitled "An Act defining 'oleomargarine,' and other terms used in Act; providing tax of 10 cents per pound on certain oleomargarines, for method of collecting tax, for certificates and reports to Commissioner of Agriculture by wholesalers of taxable oleomargarine; providing for manner and time of payment of tax, for records of sales and inspection, for sticker

tags and invoices, manner of shipment or delivery and liability of dealers; etc.; and declaring an emergency."

Read second time.

Senator Purl raised the point of order that this bill was not properly before the Senate because it had originally been reported adversely with a favorable minority report, that the bill had been returned to the committee without the authority of the Senate, and therefore the subsequent favorable report was not in order.

The Chair, Lieutenant Governor Edgar E. Witt, stated that it had been the precedent not to go behind the committee report if the report was regular on its face.

Senator Purl raised the further point of order that the Senate Journal was the true history and official record of the Senate, as provided by the Constitution; that the Chair could not go behind the Journal, which superseded all other records; that the Journal did not show that the bill had been re-referred and therefore the bill could not come before the Senate on the basis of the subsequent favorable committee report accompanying the bill.

The Chair, Lieutenant Governor Edgar E. Witt, submitted the point of order, that the bill was not properly before the Senate, to the Senate for determination.

The Senate voted not to sustain the point of order by the following vote:

## Yeas—9.

Cousins.	Fellbaum.
DeBerry.	Moore.
Murphy.	Purl.
Patton.	Redditt.
Poage.	

## Nays—17.

Beck.	Rawlings.
Collie.	Regan.
Duggan.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodward.
Parr.	

## Absent.

Holbrook.	Hopkins.
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Absent—Excused.

Greer.

(Pair Recorded.)

Senator Blackert (present) who would vote nay, with Senator Woodul (absent) who would vote yea.

Senator Small sent up the following amendment:

Amend H. B. No. 429, page 2, line 17, by striking out "ten (10) cents" and insert in lieu thereof the words and figures "five (5) cents."

SMALL.

The amendment was read.

Senator Purl sent up the following substitute for the amendment:

Amend House Bill No. 429 wherever the words or figures "ten cents (10)" appear in said bill by striking out such words and figures and inserting in lieu thereof the following: "two cents (2c)."

PURL.

The substitute was read.

#### Senate Conferees on H. B. No. 11 Appointed.

The Chair announced the appointment of the following Senate conferees on H. B. No. 11:

Woodward, Small, Rawlings, Pace and Fellbaum.

#### Free Conference Committee Report.

Senator Woodward sent up the following free conference committee report:

Committee Room,

Austin, Texas, April 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees heretofore appointed to adjust the difference between the two Houses on

H. B. No. 807, A bill to be entitled "An Act to provide for conventions to pass on amendments to the Constitution of the United States which may be now or may be hereafter proposed by the Congress of the United States for ratification by conventions in the several states, etc."

Having considered the differences between the two Houses and having reached an agreement, beg leave to report that the hereto attached com-

plete bill is the bill which we recommend to be passed by both Houses.

The bill is substantially the same as the original House Bill with Senate amendments, rewritten by us so as to clarify and make the bill a general bill applicable to future conventions which may be held to ratify amendments proposed by Congress.

We recommend the adoption of this report and the final passage by both Houses of the attached bill.

HOPKINS,  
RAWLINGS,  
WOODWARD,  
COLLIE,  
REGAN,

Upon the part of the Senate.

HUGHES,  
MOFFETT,  
BECK,  
HANKAMER,  
MOORE,

Upon the part of the House.

By Hughes, Moffett, Anderson of Johnson, Kyle of Hays, Metcalfe and Moore.

H. B. No. 807.

#### A BILL

#### To Be Entitled

An Act to provide for conventions to pass on amendments to the Constitution of the United States which may be now or may be hereafter proposed by the Congress of the United States for ratification by conventions in the several states; setting the time of said elections; prescribing the method of nominating delegates and alternates; prescribing the manner and method in which delegates and alternates shall be elected to attend such convention; providing the form of the ballot to be used at such election; prescribing certain duties of the public officials of this State with reference to the conduct of such election; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Whenever the Congress of the United States shall submit to the respective States a proposed amendment to the Constitution of the United States and shall propose that it be ratified by conventions in the several states, an

election shall be held on the fourth Saturday in August of the year in which any such amendment is submitted by the Congress of the United States, at which election thirty-one (31) delegates and thirty-one (31) alternates each, such total number of delegates and such total number of alternates to be composed of one (1) delegate and one (1) alternate from each of the several thirty-one senatorial districts of the State, shall be elected, provided that the same is submitted to this State within the time necessary to comply with the provision hereof, otherwise at the succeeding general election.

Sec. 2. On the sixtieth (60th) day preceding the day of the election those persons, groups and organizations in favor of the ratification of the amendment, and those persons, groups and organizations against the ratification of the amendment shall hold separate conventions in the city of Austin. Any qualified voter of this State shall be entitled to participate and vote in either of said conventions, but not in both. Ten days prior to the meeting of such conventions it shall be the duty of the Governor of this State to designate a qualified voter of this State known by him personally to be in favor of the ratification of such amendment, and it shall be the duty of the person so appointed to select and designate the place in the City of Austin at which the convention of those persons, groups and organizations favoring the ratification of the amendment shall convene and hold its meeting and the person so appointed shall preside as president pro tem. until the permanent officers of the convention are elected. The Governor shall likewise appoint a qualified voter of this State, known to him to oppose the ratification of the proposed amendment, and the person so appointed shall select and designate the place in the City of Austin where the convention of those persons, groups and organizations opposing the ratification of the proposed amendment shall convene and hold their meeting, and the person so appointed shall preside and act as president pro tem. until the permanent officers of the convention of those persons opposing the ratification of the amendment are elected.

Sec. 3. After each such convention has been organized and its permanent officers elected the same shall proceed to nominate thirty-one (31) delegates and thirty-one (31) alternates each, such total number of delegates and such total number of alternates to be composed of one (1) delegate and (1) alternate from each of the several thirty-one senatorial districts of the State. Candidates for the officers of delegate and alternates to the convention to pass on the proposed amendment shall be citizens and residents of this State and duly qualified voters in the Senatorial District from which they offer their candidacy for election, and their names shall be certified by the Chairman and Secretary of the respective conventions to the Secretary of State within five days after the day of holding the respective convention. No person shall be eligible as a delegate or alternate of the convention of those persons opposing the ratification of the amendment unless he shall make affidavit before some officer authorized to administer oaths that he is opposed to the ratification of the amendment, and will so cast his vote in convention, and no person shall be eligible as a delegate or alternate of the Convention favoring the ratification of the proposed amendment unless he shall make affidavit in writing before some officer authorized to administer oaths that he favors the ratification of the amendment, and will so cast his vote in convention, and each such delegate and alternate shall file his affidavit with the chairman of the convention of which he is the nominee, or with the Secretary of State, which affidavit shall be filed within 15 days after the date of the filing of the list of delegates and alternates with the Secretary of State by the respective chairmen of the conventions. No nominee of either convention shall be either a State, district or county office holder. The chairman of each convention shall file the affidavit of the respective nominees of each convention with the Secretary of State, together with the certified list of nominees for said convention.

Sec. 4. Each such convention shall be required to keep a journal of its proceedings and set forth among the minutes thereof the respective names

of each delegate and alternate nominated at such convention, together with the number of votes received by each such nominee, together with all other proceedings that may be had in said convention. It shall be the duty of the chairman of each such convention, upon the adjournment thereof, to deposit each such journal with the Secretary of State where the same shall remain as a permanent public record.

Sec. 5. It shall be the duty of the Secretary of State to certify to the County Clerk of each county in this State the names of the persons selected as the nominees of each convention and to show in his certificate those delegates and alternates in favor of the ratification of the amendment and those delegates and alternates against the ratification of such amendment.

Sec. 6. All laws pertaining to conducting and holding General Elections and the qualifications of voters shall apply to the holding of the election ordered by the Governor except in so far as they are inconsistent with the provisions of this Act.

Sec. 7. The election shall be by ballot, separate from any ballot to

be used at the same election, and shall be prepared as follows: It shall first state the substance of the proposed amendment. This shall be followed by appropriate instructions to the voter. It shall then contain perpendicular columns of equal width headed respectively, in plain type "For Ratification of the above Amendment," and "Against Ratification of the above Amendment." In the column headed "For Ratification of the above Amendment" shall be placed the names of the nominees or delegates and alternates nominated as in favor of the ratification; in the column headed "Against Ratification of the above Amendment" shall be placed the names of the nominees or delegates and alternates nominated as opposed to the ratification. The voter shall be entitled to vote for any number of candidates whose names appear on such ballot, not to exceed thirty-one (31) delegates and thirty-one (31) alternates. Such voter shall indicate his choice by drawing a line through or striking out all the names of such candidates other than the ones for whom he desires to cast his vote.

The ballot shall be substantially in the following form:

**PROPOSED AMENDMENT TO THE CONSTITUTION OF THE  
UNITED STATES**

The Congress has proposed an amendment to the Constitution of the United States which reads as follows:

(Here insert the proposed amendment.)

**INSTRUCTIONS TO THE VOTER**

**For the ratification of the above amendment.**

(Insert names of delegates and then alternates in alphabetical order favoring the ratification of the amendment).

**Against the ratification of the above amendment.**

(Insert names of delegates and then alternates in alphabetical order against the ratification of the amendment).

Sec. 7a. Provided, however, that if such proposed amendment is one which repeals another amendment to the Constitution of the United States then it shall not be necessary to state the substance of the proposed

amendment; and in lieu of the words "for ratification of the above amendment," and "against ratification of the above amendment" at the top of the two perpendicular columns, there shall be inserted the words

"For repeal of the ..... amend-ment," and the words "Against re-peat of the ..... amendment," re-spectively; the number of such amendment which it is proposed to repeal to be inserted in the blank

space above, as e. g. "For repeal of the 18th Amendment," and "Against repeal of the 18th Amend-ment." In such instances the ballot shall be substantially in the follow-ing form:

#### INSTRUCTIONS TO THE VOTER

For the repeal of the ..... Amendment.

(Inserting in the blank the number of the amendment pro-posed to be repealed).

(Insert names of delegates and then alternates in alphabetical order favoring the repeal of amendment).

Against the repeal of the ..... amendment.

(Inserting in blank the number of the amendment proposed to be repealed).

(Insert names of delegates and then alternates in alphabetical order against the repeal of the amendment).

Sec. 7b. The voter shall be en-titled to vote for not more than thirty-one delegates (candidates) and thirty-one alternates (candi-dates) and shall indicate his choice by drawing a line through or mark-ing out all the names of such dele-gates (candidates) and alternates (candidates) other than the ones for whom he desires to cast his vote.

Sec. 8. Returns shall be made of the election in the same manner and by the same officers as is pro-vided by law for the making of returns of elections for Railroad Commissioners. On the thirtieth (30th) day following the day of the election and not before, the Secre-tary of State, in the presence of the Governor and the Attorney General, or either of them, shall open and canvass the returns of the election.

Sec. 9. The thirty-one (31) dele-gates and the thirty-one (31) alter-nates receiving the highest number of votes shall be declared elected and the Governor shall issue to each of those persons a certificate of elec-tion which shall be signed by the Governor and attested by the Secre-tary of State.

Sec. 10. On the ninetieth (90th) day following the day of the election the thirty-one (31) delegates and thirty-one (31) alternates elected at the said election and commissioned by the Governor shall convene in the City of Austin at 10 o'clock a. m., and shall thereupon constitute a con-vention to pass upon the question of whether or not the proposed amend-

ment to the Constitution shall be ratified.

Sec. 11. A majority of the dele-gates so elected shall constitute a quorum at such convention for the purpose of transacting business. A majority of the quorum present and voting may act for the convention. In the event any delegate to such conventions, after he has been duly elected, shall die, resign, become in-capacitated or fail to attend such convention, then and in any such event the alternate of such delegate shall act in the stead of said dele-gate with the full and complete powers of said delegate.

Sec. 12. The convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of the ratification of the proposed amend-ment, and upon final adjournment the journal reflecting the vote of the delegates, together with the minutes of the convention, shall be filed with the Secretary of State of the State of Texas where it shall remain on file as a public record.

Sec. 13. If the convention shall agree to the ratification of the pro-posed amendment, a certificate to that effect shall be executed by the president and secretary of the con-vention and transmitted to the Sec-retary of State of this State and to the Secretary of State of the United States. The Secretary of State shall in turn transmit such certificate un-der the great Seal of the Sovereign State of Texas to the Secretary of State of the United States.

Sec. 14. The expenses necessary

to conduct such election shall be paid for by the respective counties of this State in the same manner as is now provided by law with reference to any other general or special statewide election and the duties of all public officials with reference to providing for such election shall be the same as is now prescribed by law with reference to other elections except as herein provided.

Sec. 15. The permanent chairman of each convention provided for in Section 2 hereof is hereby empowered to appoint a chairman and vice-chairman for each county. The chairman in each county (or the vice-chairman in event of failure or inability of the chairman) is hereby empowered to appoint one assistant election judge and one clerk for each voting precinct for the purpose of assisting in holding the election provided for by this Act. Should a chairman or vice-chairman fail to make such appointments, then the presiding judge of each precinct is hereby empowered to appoint such assistants, in the manner now provided by statute, the appointees, however, shall be selected to equally represent both sides of the question; otherwise the said election, manner of conducting the same and the returns thereof, shall be in all things held as is now provided by statute for the holding of general elections. None of the expenses arising or accruing because of the appointment of or the services rendered by the officials provided for in this Section shall be borne by the State or any county thereof; provided, however, any other usual, customary election expenses for officials to hold said election and for other election expenses shall be paid as is now provided by law for general elections.

Sec. 16. The delegates elected to such convention shall defray their own expenses incurred in connection therewith.

Sec. 17. If Congress should, at any time, either by resolution or by statute, prescribe the method and manner in which the convention shall be constituted, and shall not except from the provisions of such statute or resolution such states as may have theretofore provided for constituting such conventions, the

provisions of this Act shall be inoperative in so far as the same shall operate as to conflict with such resolution or Act of Congress.

Sec. 18. The fact that Congress has recently submitted to the several States for ratification or rejection, an amendment to the Constitution of the United States, to be acted upon in conventions in the respective states, and in such resolution did not provide the manner and method in which such convention shall be constituted, and due to the further fact that there are no adequate laws at this time in this State for constituting such convention, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Senate Simple Resolution No. 100.

Senator Purl sent up the following resolution:

Whereas, The Senate Journal issued under date of April 28, 1933, contains therein a copy of the General Moratorium Bill, and also a copy of the Deficiency Judgment Bill; and

Whereas, Both of these measures are of paramount statewide interest, and so many calls have been had for copies of this Journal that the supply was very soon exhausted; and

Whereas, The members of the

Senate are daily receiving many calls for copies of this Journal, and the Library is receiving many calls for copies of this Journal, and both are unable to comply with such requests; therefore be it

Resolved, That the Senate order printed an additional 500 Senate Journals of the date of April 28, 1933, and be put in custody of the Secretary of the Senate and apportioned to the members of the Senate.

**PURL.**

Read and adopted.

#### **Personal Privilege.**

Senator Greer addressed the Senate on a point of personal privilege.

Senator Poage addressed the Senate on a point of personal privilege.

Senator Holbrook addressed the Senate on a point of personal privilege.

Senator Greer addressed the Senate on a point of personal privilege.

Senator Hornsby addressed the Senate on a point of personal privilege.

Senator Greer addressed the Senate on a point of personal privilege.

#### **Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, May 4, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on H. B. No. 807 by a vote of 119 yeas and 9 nays.

The House has concurred in Senate amendments to H. B. No. 799 by a vote of 107 yeas, 6 nays.

The House has concurred in Senate amendments to H. C. R. No. 49 by a viva voce vote.

The House has concurred in Senate amendments to H. C. R. No. 60 by a viva voce vote.

The House has passed the following bills:

S. B. No. 203, A bill to be entitled "An Act to amend Chapter 40, Acts of Second Called Session of Forty-second Legislature and Chapter 271, Acts of Regular Session of Forty-second Legislature as amended by said Chapter 40, Acts of Second Called Session of Forty-second Legislature, by adding to Section 8a

subsections 6a and 6b to be inserted between subsections 6 and 7, and to declare that as to any and each lease and/or contract hereafter made by the Board of Mineral Development it is the policy of the State, with reference to the development of all portions of beds of rivers and channels described in such lease and/or contract that the activities of the State and of lessees and/or contract parties, their successors or assigns, under such lease and/or contract, shall conform to the valid laws of this State, and to the valid orders, rules and regulations of any agency of this State, applicable to the development by others than this State of petroleum and/or natural gas bearing land within the State, and that each lease and/or contract hereafter made by the Board of Mineral Development shall be subject to such public policy, and also providing that as to any and each lease and/or contract heretofore made by the Board of Mineral Development the Board shall be authorized and empowered to revise the same with the consent of the lessees and/or contracting parties thereunder, their heirs, successors or assigns, in such wise as to subject such lease and/or contract thenceforth to the aforesaid public policy, and providing that such revision shall be accomplished by supplemental or modificatory instrument on such terms as the Board of Mineral Development may deem fair and advantageous to the State, but only after a proposal for such revision shall be formally made in a public document to the said Board of Mineral Development by the lessees and/or contracting parties under such lease and/or contract, their heirs, successors or assigns, and provided that in consideration of the consent of such lessees and/or contracting parties, their heirs, successors or assigns, to such revision the Board of Mineral Development shall not reduce the State's share of the petroleum and/or natural gas to be received in the future under such lease and/or contract to less than one-eighth of the gross production of oil and/or gas from the land described in such lease and/or contract; and declaring an emergency."

S. B. No. 244, A bill to be entitled "An Act authorizing water improve-



ment districts to borrow money and create debts and obligations to fully carry out the purpose of their organization and to levy and collect taxes and to fix, levy and collect charges for the use of water and power and other services and to pledge same for the payment of debts and to provide for the government and operation of such districts and declaring an emergency."

(With amendments.)

S. B. No. 334, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113 and 1114 of the Revised Civil Statutes of Texas for 1925 and amendments thereof as passed by the Fortieth Legislature found in Chapter 194, page 276, of the Regular Session of the Fortieth Legislature and as amended by Chapter 32 Acts of the Third Called Session of the Forty-second Legislature at page 96 of the Acts of the Third Called Session of the Forty-second Legislature providing for the character of repairs and extensions necessary to render efficient service which shall be a first lien and charge upon the incomes of the particular utility which is repaired or extended, and providing that bonds issued under the provision of this Act may be approved by the Attorney General and registered by the Comptroller and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

#### S. C. R. No. 55.

Senator Greer sent up the following resolution to be printed in the Journal:

Whereas, Senate Bill No. 195 has been sent to the Governor; and,

Whereas, Certain minor changes should be made in said bill in order to meet certain misunderstandings; now therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Senate Bill 195 be returned to the Senate from the Governor's office for the purpose of reconsideration; be it

Resolved further, That the presiding officers of both Houses be and they are hereby authorized to remove their signatures from the bill.

GREER.

#### Motion to Reconsider.

Senator Greer sent up the following written motion:

Whereas, It is known to be the desire of some counties to be placed in different Congressional districts than the ones to which they are attached;

Now therefore, I move that the Senate reconsider the vote by which the free conference report on S. B. No. 195 was adopted and that said motion be spread on the Journal.

GREER.

Senator Collie raised the point of order that Senator Greer was not present when the bill was finally passed.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Hornsby moved to reconsider the vote by which the free conference report on S. B. No. 195 was adopted and spread the motion on the Journal.

Senator Collie raised the point of order that the motion to reconsider was out of order because the bill had been sent to the Governor and was no longer in the possession of the Senate.

The Chair, Lieutenant Governor Edgar E. Witt, held that the point of order would be entertained, when the motion to reconsider was called up.

#### Motions to Concur.

On motion of Senator Regan, the Senate concurred in the House amendments to S. B. No. 244.

On motion of Senator Pace, the Senate concurred in the House amendments to S. B. No. 334 by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Neal.	Small.

Stone. Woodul.  
Woodruff. Woodward.

Nays—3.

Collie. Murphy.  
DeBerry.

On motion of Senator Regan, the vote by which the Senate concurred in the House amendments to S. B. No. 244 was reconsidered.

The motion to concur prevailed by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—3.

Collie. Murphy.  
DeBerry.

Recess.

On motion of Senator Hornsby, the Senate, at 5:50 o'clock p. m., recessed until 10 o'clock tomorrow morning.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, May 3, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 195 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 3, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 331 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 3, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 312 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 3, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 300 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 3, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 483 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

##### Committee Reports.

Committee Room,  
Austin Texas, May 4, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 182, A bill to be entitled "An Act to amend Article 6834 of the Revised Civil Statutes of the State of Texas of 1925 as amended by Acts of the Fifth Called Session of the Forty-first Legislature, Chapter 28, page 160, Section 1, relating to the manner of holding elections for the issuing of seawall bonds and to amend Article 6835 of the Revised Civil Statutes of the State of Texas of 1925 as amended by Acts of the Fourth Called Session of the Forty-first Legislature, Chapter 35, page 73, Section 2, relating to the manner of declaring the results of elections held for the issuance of seawall bonds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, May 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 578, A bill to be entitled "An Act defining certain words, terms and phrases for the purposes of this Act; providing and imposing an occupation tax on sales in intra-state commerce in this State of cigarettes according to their weight; providing that the payment of such tax shall be evidenced by stamps furnished by the State Treasurer; authorizing and requiring the Treasurer to design and have printed or manufactured such stamps; requiring such stamps to be affixed on each individual package of cigarettes; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODUL, Vice Chairman.

Committee Room.

Austin, Texas, April 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 7, which resolution would grant W. T. Starr of Gainesville, Texas, permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room.

Austin, Texas, May 4, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 543, A bill to be entitled "An Act providing that the Comptroller of Public Accounts shall not issue any warrant for the payment of the available school funds or rural aid or vocational educational funds, to or for the benefit of any school district or city or town which has assumed the control of its public schools, when the interest and/or principal on any bonds owned by such school district or city or town,

belonging to the permanent school fund, remain unpaid for a period of two years, and providing that such warrant shall not issue when any such school district and/or city or town prefers the claim of any other bond holder to the claims of the State permanent school funds; providing that no default shall be deemed to exist if proper refunding bonds have been approved by the State Board of Education; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin Texas, May 4, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 541, A bill to be entitled "An Act to amend Article 2673 of the Revised Civil Statutes of 1925, as amended by Section 1, of Chapter 278 of the Acts of the Forty-first Legislature in 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that C. S. S. B. No. 541 attached hereto, do pass in lieu thereof.

NEAL, Chairman.

C. S. S. B. No. 541.

#### A BILL

#### To Be Entitled

An Act to amend Article 2673 of the Revised Civil Statutes of 1925, as amended by Section Number 1, of Chapter 278 of the Acts of the Forty-first Legislature in 1929, defining certain powers of the State Board of Education, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

That Article 2673 of the Revised Civil Statutes of 1925 as amended by Section 1 of Chapter 278 of the Acts of the Forty-first Legislature in 1929, page 573, be amended by adding the following:

Section 1. Provided that for a period of two years from the passage of this Act that the State Board of Education be and it is hereby em-

powered to exchange, upon such terms as may be approved by the Board, any bonds owned by the Permanent School Fund, under the supervision of said Board, with any city, town, county, school district, navigation district, or other defined district or political subdivision of this State issuing and selling such bonds so held by the Permanent School Fund or by the State Board of Education for said Permanent School Fund, for any of the classes of bonds authorized to be purchased, and under the terms and conditions as provided in Articles 2669 to 2873 of the Revised Civil Statutes of 1925, as amended, provided that in the judgment of the State Board of Education such exchange of such bonds so held by the State Board of Education for such bonds offered for exchange by such county, city, town, school district, navigation district, or other political subdivision or defined district, is for the public interest and a benefit to the Permanent School Fund and would be a benefit to the county, city, town, school district, navigation district or other defined district or political subdivision of the State offering to make such exchange of other bonds held or acquired, and such county, city, town, school district, navigation district, or other defined district, or political subdivision of this State acting through its governing body may and is hereby empowered to purchase in open market at a substantial discount, and at their reasonable value, any bonds eligible for purchase by the State Board of Education under the provisions of this Act, out of any unused construction fund or other surplus fund or out of sinking funds so held by such county, city, town, school district, navigation district or other defined district or political subdivision of this State and created for the purpose of retiring such bonds so held by the Permanent School Fund and sought to be exchanged, provided that such purchase is for the purpose of carrying out the exchange mentioned in this Act.

Sec. 2. This Act shall be cumulative of all other laws on this subject and shall only repeal such part of existing laws expressly in conflict herewith.

Sec. 3. The fact that there is no

existing law authorizing such exchange transaction and such transactions would be to the best interest of the Permanent School Fund and the other parties to such exchange as mentioned in this Act, especially when the Permanent School Fund owns many reclamation district bonds and other bonds of doubtful value which might be replaced with better bonds and many excellent issues of bonds can be purchased at a small portion of their par value from their owners during the depressed condition of the country, and many counties, cities, towns, school districts, navigation districts and other defined districts or political subdivisions of this State have sinking funds and surplus funds on deposit with doubtful security constitute an emergency and create an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three successive days and the same is hereby suspended and this Act shall become effective from the date of its passage and it is so enacted.

Committee Room,

Austin, Texas, May 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 897, A bill to be entitled "An Act to create the Texas Rehabilitation and Relief Commission for the purpose of administering Federal and/or State funds for employment, rehabilitation and/or relief of the unemployed; providing commission shall cease to exist two years after effective date of Act or at such earlier time as in the opinion of the Governor it may be dispensed with, defining duties of commission; providing for appointment of members of commission, director of commission and employees; providing for establishment of county departments of rehabilitation; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments attached

hereto, and be printed in the Journal.

WOODUL, Vice-Chairman.

Committee Amendment No. 1.

Amend House Bill No. 987, Section 3, by striking out everything in the first sentence after the word "members" in line 3, and inserting in lieu thereof the following, viz.: "three to be appointed by the Governor, two by the Lieutenant Governor and two by the Speaker of the House of Representatives."

Committee Amendment No. 2.

Amend House Bill No. 897, Section 3, by striking out the words "four thousand dollars (\$4,000.00)" in line 8, and inserting in lieu thereof, the following: "Five thousand dollars (\$5,000.00)."

By Kayton, et al. H. B. No. 897.

#### A BILL To Be Entitled

An Act to create the Texas Rehabilitation and Relief Commission for the purpose of administering Federal and/or State funds for employment, rehabilitation and/or relief of the unemployed; providing Commission shall cease to exist two (2) years after effective date of Act or at such earlier time as in the opinion of the Governor it may be dispensed with, defining duties of Commission; providing for appointment of members of Commission, director of Commission and employees; providing for establishment of county departments of rehabilitation and relief, their powers and organization, making an appropriation; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. For the purpose of coordinating and unifying the administration of all funds, of a Federal and/or State character, appropriated or otherwise made available for the employment, rehabilitation and/or relief of the unemployed there is hereby created the Texas Rehabilitation and Relief Commission. At the expiration of two (2) years from the

date of the enactment of this Act or at such earlier time, as in the opinion of the Governor of the State of Texas such Commission may be dispensed with, said Commission shall cease to exist.

Sec. 2. It shall be the duty of the Commission to administer all funds made available by the Federal Government, including without exclusion because of enumeration, projects made possible by the Emergency Conservation Act, public work projects, self-liquidating projects, construction of housing units to be rented at low cost, colonization projects, crop production made possible under the Emergency Relief and Reconstruction Act, and to take steps to restore agriculture and industry to a normal working condition, provided that its activities shall have as their sole and exclusive objects the providing of employment and/or relief to the unemployed.

Sec. 3. The Texas Rehabilitation and Relief Commission, of which the Governor shall be ex-officio chairman, shall be composed of seven (7) members who shall be appointed by the Governor, the Lieutenant Governor and the Speaker of the House of Representatives. The members of said Commission shall serve without pay. The Governor shall appoint a director of said Commission whose salary shall be fixed by the Commission, at a sum not to exceed four thousand (\$4,000.00) dollars per year. Subject to the approval of the chairman of the Commission, the director shall appoint such employees as are necessary to carry out the provisions of this Act at salaries not to exceed those being paid by the State of Texas to employees performing similar duties in the State departments, and in no instance to be in excess of the following scale:

Assistant directors, three hundred (\$300.00) dollars per month.

Chief auditor and accountant, two hundred and fifty (\$250.00) dollars per month.

Inspectors and/or field agents, on a basis of one hundred and seventy-five (\$175.00) dollars per month, none to exceed two hundred (\$200.00) dollars per month.

Bookkeepers and/or accountants, one hundred and fifty (\$150.00) dollars per month.

Stenographers and clerks, on a basis of one hundred (\$100.00) dol-

lars per month, none to exceed one hundred and ten (\$110.00) dollars per month.

Sec. 4. The Texas Rehabilitation and Relief Commission shall establish county boards of welfare and employment. Each county board of welfare and employment shall consist of five (5) members who shall be appointed by the Texas Rehabilitation and Relief Commission with the approval of the commissioners court of the county, for a term of one year and shall serve without compensation. It shall be the duty of the county boards of welfare and employment to coordinate and unify all work of the administration and disbursement of funds made available by the State or Federal Government for the employment and/or relief of the unemployed. Subject to the rules and regulations of the Texas Rehabilitation and Relief Commission, the county boards of welfare and employment shall promote, organize and administer rehabilitation and/or relief to the unemployed through the organization of work opportunity, employment, or relief. The organization of the county boards of welfare and employment as well as the employment of personnel, their use of records and all other matters necessary to the successful carrying out of the intent and purpose shall be subject to and under the direction of the Texas Rehabilitation and Relief Commission. The governing body of any county and/or city may by mutual agreement delegate the supervision and direction of any pub-

lic welfare agency under their respective control to the county boards of welfare and employment.

Sec. 5. There is hereby appropriated out of the general fund of the State of Texas, not otherwise appropriated, the sum of one hundred thousand (\$100,000.00) dollars, or so much thereof as is necessary to be expended in the twelve (12) months period immediately following the passage of this Act, and a sum of one hundred thousand (\$100,000.00) dollars, or so much thereof as is necessary for the second twelve (12) months period of the life of this Act, to be used in the defraying of the necessary costs of the Commission in carrying out the provisions of this Act.

Sec. 6. If any section, clause, provision or sentence in this Act contained should ever be held to be unconstitutional, such holding shall not affect the remaining portions of this Act.

Sec. 7. The fact that there are vast numbers of unemployed in the State of Texas and that the Federal Government has made available large sums of money but there is no State agency to disburse these funds or to make said funds available to Texas creates an emergency and a public necessity requiring the suspension of the constitutional rule which requires all bills to be read in each House on three several days and that such rule be and the same is hereby suspended and that this Act shall take effect from and after its passage, and it is so enacted.

#### Final Disposition of Bills.

#### SUPPLEMENT.

Number of Bill or Resolu- tion	Date Filed	Vote	
		House	Senate
S. C. R. No. 46	May 3, 1933 1:15 p. m.	Adopted	Adopted by viva voce vote
H. B. No. 169	May 3, 1933 1:15 p. m.	Adopted by viva voce vote	Yeas 24 Nays 4
H. B. No. 338	May 3, 1933 1:15 p. m.	Yeas 107 Nays 0	Yeas 29 Nays 0
H. B. No. 646	May 3, 1933 1:15 p. m.	Yeas 109 Nays 0	Yeas 26 Nays 0

W. W. HEATH, Secretary of State.

**In Memory**  
**of**  
**Hon. Clay Stone Briggs**

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**Senate Simple Resolution No. 99.**

Senator Patton sent up the following resolution:

Whereas, News has been received of the sudden death of the Honorable Clay Stone Briggs, Congressman of the Seventh Congressional District of Texas; and

Whereas, Judge Briggs has long been a public servant as a member of the House of Representatives, as District Judge of his native city and as Congressman for the Seventh Congressional District; and

Whereas, He distinguished himself in his profession, law, having graduated from the Law Department of Yale University, and having practiced his profession in his native city of Galveston successfully and served a number of years as Judge of the Tenth Judicial District; and

Whereas, Judge Briggs was honored, respected and loved by all of his constituents in the Seventh Congressional District in particular and by the whole State of Texas in general for his unselfish patriotism and loyal service in the National Congress; and

Whereas, His death is not only a great loss to his wife and children, but is a great loss to the State and Nation; now, therefore, be it

Resolved by the Senate of Texas, That we hereby express our deep regret at the untimely passing of this great statesman and extend our sincere and deepest sympathy to his widow and children in their bereavement; and, be it further

Resolved, That a copy of this resolution be forwarded to his family and to the House of Representatives of the National Congress by the Secretary of the Senate and that a page of the Senate Journal be set aside in his memory, and that when we adjourn the Senate today, it be in honor of his memory.

PATTON,  
HOLBROOK,  
GREER,  
BECK,  
BLACKERT,  
COLLIE,  
COUSINS,  
DeBERRY,  
DUGGAN,  
FELLBAUM,  
HOPKINS,

HORNSBY,  
MARTIN,  
MURPHY,  
MOORE,  
NEAL,  
ONEAL,  
PACE,  
PARR,  
POAGE,  
PURL,  
RAWLINGS,

REDDITT,  
REGAN,  
RUSSEK,  
SANDERFORD,  
SMALL,  
STONE,  
WOODRUFF,  
WOODUL,  
WOODWARD,  
LT. GOV. WITT.

Read and adopted unanimously by a rising vote.